

## PHYSICAL ABUSE

Infliction of physical harm or the causation of a child's deterioration, and may include, but shall not be limited to, maltreatment or exploiting a child to the extent the child's health is endangered. K.S.A. 38-2202

Questions to determine if information is sufficient for a substantiated finding

- ☐ Is there physical harm or the causation of a child's deterioration to the child? Refer to PPM 2502.
- ☐ Is the physical harm or deterioration sufficiently documented?
- ☐ Is the physical harm or deterioration plausible with explanation provided?
- ☐ Is the physical harm or deterioration consistent with explanation provided?
- ☐ Did the perpetrator(s) cause the physical harm or deterioration to the child?
- ☐ Is there anything that created doubt the physical harm or deterioration occurred as described?
- ☐ Did the perpetrator(s) cause imminent risk of serious harm to the child?
- ☐ Does the physical harm or deterioration meet the criteria of PPM 2502 indicating the perpetrator should not be permitted to reside, work, or regularly volunteer in a KDHE regulated child care facility?
- ☐ Does the perpetrator or care giver have behaviors (mental illness, drug and alcohol abuse, physical limitations) that contribute to the risk to the child?
- ☐ Is there sufficient information to verify these behaviors (mental illness, drug and alcohol abuse, physical limitations)?

Does the Basis of Finding . . .

- . . . provide a detailed description and location of the physical harm or deterioration if any?
- . . . describe the cause of the physical harm or deterioration?
- . . . describe how the cause of the physical harm or deterioration was determined?
- . . . describe how the identity of the alleged perpetrator was determined?
- . . . describe how the action or inaction of the perpetrator(s) directly resulted in physical harm or deterioration or presented an imminent risk of serious harm?
- . . . include all facts or elements considered to make the case finding decision?
- . . . identify when the incident occurred, if known?
- . . . identify where the incident occurred, if known?
- . . . explain contradictory information?
- . . . explain any information that created doubt the physical harm or deterioration occurred as described?
- . . . provide adequate information for a person unfamiliar with the case to make the same case finding decisions?
- . . . link the conditions/incident to the physical harm or deterioration experienced by the child?
- . . . give the child's age? current condition? any special needs?
- . . . document the child's reaction to the incident, if significant to the decision made?
- . . . provide a detailed description of any additional physical evidence found?

## SEXUAL ABUSE

**Sexual Abuse** Any contact or interaction with a child in which the child is being used for the sexual stimulation of the perpetrator, the child, or another person. Sexual abuse shall include allowing, permitting, or encouraging a child to engage in the sale of sexual relations or commercial sexual exploitation of a child, or to be photographed, filmed, or depicted in obscene or pornographic material. Sexual abuse also shall include allowing, permitting or encouraging a child to engage in aggravated human trafficking, as defined in K.S.A. 2014 Supp. 21-5426(b), and amendments thereto, if committed in whole or in part for the purpose of the sexual gratification of the offender or another. K.S.A. 38-2202 (See PPM 0160 for K.A.R. definitions of commercial sexual exploitation of a child, aggravated human trafficking, sexual intercourse and sodomy). Contact solely between children shall meet the criteria only if the contact also involves force, intimidation, difference in maturity, or coercion. K.A.R. 30-46-10

Questions to determine if information is sufficient for a substantiated finding

- ☐ Did the act result in sexual stimulation to the child, perpetrator(s) or another person?
- ☐ Does the child's disclosure provide enough detail to identify the perpetrator(s)?
- ☐ Does the child's disclosure provide reliable information to withstand criticisms of being coached or fictitiously creating the incident?
- ☐ Is there any evidence that created doubt the incident occurred as described?
- ☐ Is there any medical and/or physical evidence of sexual abuse?
- ☐ Is there any evidence to corroborate the child's disclosure?
- ☐ Is there a disclosure from the perpetrator?
- ☐ Is there evidence to discredit the perpetrator's denial?

Does the Basis of Finding . . .

- . . . document the act resulting in sexual stimulation to the child, perpetrator(s) or another person?
- . . . describe how the identity of the alleged perpetrator was determined?
- . . . include all facts or elements considered to make the case finding decision?
- . . . explain any information that created doubt the harm/injury occurred as described?
- . . . provide the perpetrator's disclosure?
- . . . provide evidence that discredits the perpetrator's denial?
- . . . provide adequate information for a person unfamiliar with the case to make the same case finding decisions?
- . . . identify when the incident occurred, if known?
- . . . identify where the incident occurred, if known?
- . . . give the child's age? current condition? any special needs?
- . . . provide a detailed description of any additional physical evidence found?
- . . . provide an explanation for any contradictory evidence?

## EMOTIONAL ABUSE

**Mental or Emotional Abuse** Infliction of mental or emotional harm or the causing of a deterioration of a child and may include, but shall not be limited to, maltreatment or exploiting a child to the extent the child's health or emotional wellbeing is endangered. This term may include any act, behavior, or omission that impairs or endangers a child's social or intellectual functioning. This term may include the following:

1. terrorizing a child, by creating a climate of fear or engaging in violent or threatening behavior toward the child or toward others in the child's presence that demonstrates a flagrant disregard for the child;
  2. emotionally abandoning a child, by being psychologically unavailable to the child, demonstrating no attachment to the child, or failing to provide adequate nurturance of the child; and
  3. corrupting a child, by teaching or rewarding the child for unlawful, antisocial, or sexually mature behavior.
- K.S.A. 38-2202 and K.A.R. 30-46-10

Questions to determine if information is sufficient for a substantiated finding

- ☐ What is the harm to the child emotionally or the deterioration of the child emotionally?
- ☐ What is the evidence that the actions or inactions of the perpetrator(s) have caused emotional harm or deterioration to the child?
- ☐ Is the emotional harm or deterioration to the child adequately documented?
- ☐ Is there an additional source (therapist, schools, etc.) to verify the emotional damage or deterioration to the child?
- ☐ What actions or inaction of the perpetrator(s) caused harm or deterioration to the child?
- ☐ Does the perpetrator or care giver have behaviors (mental illness, drug and alcohol abuse, physical limitations) that contribute to the risk to the child?
- ☐ Is there sufficient information to verify these behaviors (mental illness, drug and alcohol abuse, physical limitations)?

Does the Basis of Finding . . .

- . . . provide a detailed description of the emotional harm or deterioration to the child?
- . . . describe the cause of emotional harm or deterioration to the child?
- . . . describe how the cause of the emotional harm or deterioration to the child was determined?
- . . . describe how the the perpetrator(s) caused emotional harm or deterioration to the child?
- . . . include all facts or elements considered to make the case finding decision?
- . . . identify when the incident occurred, if known?
- . . . identify where the incident occurred, if known?
- . . . explain contradictory information?
- . . . explain any information that created doubt the emotional harm or deterioration to the child occurred as described?
- . . . provide adequate information for a person unfamiliar with the case to make the same case finding decisions?
- . . . link the conditions/incident to the emotional harm or deterioration to the child experienced by the child?
- . . . give the child's age? current condition? any special needs?
- . . . document the child's reaction to the incident, if significant to the decision made
- . . . provide a detailed description of any additional evidence found?
- . . . document the information from additional sources that verify emotional damage or deterioration to the child?

## PHYSICAL NEGLECT

Acts or omissions by a parent, guardian, or person responsible for the care of a child resulting in harm to a child, or presenting a likelihood of harm and the acts or omissions are not due solely to the lack of financial means of the child's parents or other custodian. This term may include but shall not be limited to: Failure to provide the child with food, clothing, or shelter necessary to sustain the life or health of the child. K.S.A. 38-2202

Questions to determine if information is sufficient for a substantiated finding

- What is the harm to the child?
- If no current harm, what harm was reasonably expected to occur? What was the likelihood of harm?
- What circumstances or conditions present harm or likelihood of harm to the child?
- What is the evidence that the actions or inactions of the perpetrator(s) caused the harm to the child? Or the likelihood of harm?
- Does the perpetrator or care giver have behaviors (mental illness, drug and alcohol abuse, physical limitations) that contribute to the risk to the child?
- Is there sufficient information to verify these behaviors (mental illness, drug and alcohol abuse, physical limitations)?
- Any contradictory information or statements have sufficient information to clarify or verify the evidence?

Does the Basis of Finding . . .

- provide a detailed description of the harm to the child?
- describe how the harm was caused?
- describe how the harm to the child was determined?
- describe how the action or inaction of the perpetrator(s) directly resulted in the harm?
- adequately explain the harm that is reasonably expected to occur, if there isn't current harm?
- include all facts or elements considered to make the case finding decision?
- identify when the incident occurred, if known?
- identify where the incident occurred, if known?
- provide adequate information for a person unfamiliar with the case to make the same case finding decisions?
- link the conditions/incident to the harm or likelihood of harm experienced by the child?
- give the child's age? current condition? any special needs?
- document the child's reaction to the incident, if significant to the decision made?

## MEDICAL NEGLECT

Acts or omissions by a parent, guardian, or person responsible for the care of a child resulting in harm to a child, or presenting a likelihood of harm, and the acts or omissions are not due solely to the lack of financial means of the child's parents or other custodian. This term may include the following, but shall not be limited to: failure to use resources available to treat a diagnosed medical condition if the treatment will make a the child substantially more comfortable, reduce pain and suffering, correct or substantially diminish a crippling condition, lengthen the life span, or prevent the condition from worsening. K.S.A. 38-2202

Questions to determine if information is sufficient for a substantiated finding

- What is the diagnosed medical condition of the child?
- Would the diagnosed medical condition left untreated result in: additional pain or suffering to the child? correct or substantially diminish a crippling condition? lengthen the child's life? or prevent the condition from worsening?
- What is the treatment required for the diagnosed medical conditions?
- What is the evidence the perpetrator(s) knew the medical treatment was required or available for the child's condition?
- What is the evidence the parents knew the likely results or consequences of the child not getting medical treatment?
- What circumstances or conditions prevented the perpetrator(s) from receiving the medical treatment?
- Is there a statement or evidence from a medical professional that lack of treatment produced pain or suffering, worsened a crippling condition, shortens child's life span or caused a condition to worsen?
- Does the perpetrator or care giver have behaviors (mental illness, drug and alcohol abuse, physical limitations) that contribute to the risk to the child?
- Is there sufficient information to verify these behaviors (mental illness, drug and alcohol abuse, physical limitations)?
- Any contradictory information or statements have sufficient information to clarify or verify the evidence?

Does the Basis of Finding . . .

- . . . provide a detailed description of the diagnosed medical condition?
- . . . describe the result of the child not received the medical treatment?
- . . . document the perpetrator(s) were aware of the child's medical condition, the treatment needed, and the results of not getting the treatment?
- . . . provide the statement or evidence from a medical professional?
- . . . include all facts or elements considered to make the case finding decision?
- . . . provide adequate information for a person unfamiliar with the case to make the same case finding decisions?
- . . . give the child's age? current condition? any special needs?
- . . . document the child's reaction to the incident, if significant to the decision made?

## ABANDONMENT

**Abandonment:** Forsake, desert or cease providing care for the child without making appropriate provisions for substitute care. K.S.A. 38-2202

Questions to determine if information is sufficient for a substantiated finding

- Have the perpetrator(s) given up, forsaken or deserted the child?
- Have the perpetrator(s) stated they would not return to the child?
- What is the length of time since the last contact with the perpetrator(s)?
- Have the perpetrator(s) been gone long enough to indicate they do not intend to return?
- Have the perpetrator(s) been located?
- Has there been a reasonable effort to locate the parents?
- Did the perpetrator(s) fail to make arrangements for alternate care of the child?
- Were the substitute care givers unwilling or unable to assume responsibility for the child?

Does the Basis of Finding . . .

- . . . provide evidence the perpetrator(s) have given up, forsaken or deserted the child?
- . . . document the perpetrator(s) statement not to resume the relationship?
- . . . provide sufficient evidence the perpetrator(s) does not intend to resume the relationship?
- . . . document the perpetrator(s) failed to make arrangement for alternative care of the child?
- . . . verify the substitute care givers were unwilling or unable to assume responsibility for the child?
- . . . identify when the incident occurred, if known?
- . . . identify where the incident occurred, if known?
- . . . include all facts or elements considered to make the case finding decision?
- . . . provide adequate information for a person unfamiliar with the case to make the same case finding decisions?
- . . . link the conditions/incident to the harm or likelihood of harm experienced by the child?
- . . . give the child's age? current condition? any special needs?
- . . . document the child's reaction to the incident, if significant to the decision made?

## **LACK OF SUPERVISION**

Acts or omissions by a parent, guardian, or person responsible for the care of a child resulting in harm to a child, or presenting a likelihood of harm, and the acts or omissions are not due solely to the lack of financial means of the child's parents or other custodian. This term may include the following, but shall not be limited to: failure to provide adequate supervision of a child or to remove a child from a situation that requires judgment or actions beyond the child's level of maturity, physical condition, or mental abilities and that result in bodily injury or a likelihood of harm to the child. K.S.A. 38-2202

Questions to determine if information is sufficient for a substantiated finding

- Was the child left unsupervised in circumstances which caused the child harm?
- If no current harm, what harm was reasonably expected to occur? What was the likelihood of harm?
- What is the evidence the perpetrator(s) left the child alone?
- Could the harm to the child have been prevented or reduced if the perpetrator(s) had been present?
- Did the child have adequate self care skills for the situation?
- Was the child left in a situation requiring judgments or actions beyond the child's level of maturity, physical condition or mental abilities?
- What circumstances or conditions present harm or likelihood of harm to the child?
- What is the evidence that the actions or inactions of the perpetrator(s) caused the harm on the child? Or the likelihood of harm?
- Does the perpetrator or care giver have behaviors (mental illness, drug and alcohol abuse, physical limitations) that contribute to the risk to the child?
- Is there sufficient information to verify these behaviors (mental illness, drug and alcohol abuse, physical limitations)?
- Any contradictory information or statements have sufficient information to clarify or verify the evidence?

Does the Basis of Finding . . .

- . . . provide a detailed description of the harm to the child?
- . . . describe how the harm to the child was determined?
- . . . describe how the action or inaction of the perpetrator(s) directly resulted in the harm?
- . . . provide evidence the perpetrator(s) left child without supervision?
- . . . provide the details regarding the length of time or the frequency child is left alone?
- . . . provide information the child lacked the self care skills or judgment for the situation?
- . . . adequately explain the harm that is reasonably expected to occur, if there isn't current harm?
- . . . include all facts or elements considered to make the case finding decision?
- . . . provide adequate information for a person unfamiliar with the case to make the same case finding decisions?
- . . . when did the incident occur?
- . . . where did the incident occur?
- . . . link the conditions/incident to the harm or likelihood of harm experienced by the child?
- . . . give the child's age? current condition? any special needs?
- . . . document the child's reaction to the incident, if significant to the decision made?

